

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,)
)
v.) 4:07- CR- 434
)
BP PRODUCTS NORTH AMERICA, INC,)
)
 Defendant.)

GOVERNMENT'S MOTION TO SUPPLEMENT RECORD

The United States of America, by and through Tim Johnson, Acting United States Attorney for the Southern District of Texas, Mark McIntyre, Assistant United States Attorney, John C. Cruden, Acting Assistant Attorney General, and Daniel W. Dooher, Senior Trial Attorney (“the Government”), moves this honorable Court for permission to supplement the record with exhibits. In support of the Motion, the government states the following.

On March 12, 2009, this Court approved the plea agreement executed between the Government and defendant BP Products North America Inc. (“BP”). Dkt No. 127. The Plea Agreement was filed with the Court on the same date. The Plea Agreement included four (4) Exhibits: Exhibit 1, Corporate Resolution; Exhibit 2, Settlement Agreement executed between BP and OSHA; Exhibit 3, Agreed Order executed between BP and Texas Commission for Environmental Quality; Exhibit 4, Joint Statement of Facts. Exhibits 2-4 have been previously submitted with other pleadings, *see* Join Motion of the United States and Defendant BP Products North America Inc. for Order Waiving Presentence Report, Docket No. 8, as well

as referenced by this Court in its March 12, 2009 Memorandum and Order accepting Defendant BP's guilty plea.

Review of the docket reports indicates that the Exhibits 1-4 do not appear to be attached with the Plea Agreement at this time. Therefore, to ensure completeness, the Government is submitting the Exhibits to be attached to the Plea Agreement at this time. Defendant BP has no objection to this motion.

WHEREFORE, the Government respectfully requests that the Court grant this motion.

An Order for the Court's signature is attached.

Respectfully submitted,

By: /S/ Mark McIntyre
Mark McIntyre
Assistant United States Attorney
Southern District of Texas

By: /S/ Daniel W. Dooher
Daniel W. Dooher
Senior Trial Attorney
Environmental Crimes Section

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all counsel of record via the Court's CM/ECF system on this the 21st day of May, 2009.

/S/ Mark McIntyre

Mark McIntyre

Assistant United States Attorney